P.F. 30893

G. R. S. IX-5]

Previous references.

1891-92

192 .

(R. R.)

File No 1186 of 91

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-5

Major Part B for August 1893.

SUBJECT.

Appointment of Kapardi Mali, Regarding Thumbings of Kamadhus Tribe - Upon Talak

Countermanded
S. [illegible]

WD 2283 GPL—20,000—14-6-20

Appeal Suit No 27 of
1892-93.

Appellant — Kapanipataiya
residing in Mysore

Respondent — Ranjundaiya
alias Puttaiya, Shanbhog
of Kannahalli
T. Narsipur Taluk.

Kapanipataiya (No I) was
the Sarvarakar of the office of
Shanbhog of Kannahalli in
the Tirumkudlu Narsipur Taluk.
He was succeeded by his eldest
son Shamaiya (No II) on whose
death his brother Kapanaiya
(Appellants' father) was, at
his widow's request, appointed
to the post.

In 1883 the ryots of the
village addressed a petition
to Government complaining

Kapanipataiya
|
Kimmaraiya | Chikkaramaiya | Kariyamiyakaiya (I)
|
Ramajundaiya (IV) alias Puttaiya (adopted son) Respondent.
|
Shamaiya (II) | Kapanaiya (III) adopted by Chikkaramaiya (I) Appellant's father
|
Kapanipataiya
Appellant

that the Shanbhog made undue collection from them, and the Deputy Commissioner, in his report on this petition,* stated that, though the complaint was not established so as to justify a criminal conviction, yet there were grounds for suspecting that he had exacted money from some ryots at least, that all the villagers were decidedly inimical to the Shanbhog, and that therefore it was advisable to remove him altogether.

* No 596 of 7-1-84.

Under the order of Govt directing him to report whether the Shanbhog had any competent heirs one of whom might be selected for discharging the duties of the office independent of any interference on the part of Kappaiya, the Deputy Commr selected the Respondent and directed his appointment, the Appellant having been reported to be a boy of about 15 years, unable to discharge

× No $\frac{55-21}{245}$ of 25-1-84

Vide the Dy Commr's order No 488, of 31-3-84.

Vide the Amildar's report No 676.

the duties of the office independently of his father. The Deputy Comm.r reported the Respondents appointment to post in his docket-No 703 dated 31st March 1894. The Respondent has been doing the Shanbhog's work from that time.

In September 1891, the Appellant presented a petition to the Deputy Comm.r praying that he might be appointed in place of Respondent, the petition was sent to the 2nd Assistant Comm.r for his opinion.

The Respondent appeared before the Assistant Comm.r on the 5th February 1892, and deposed that his adoptive father Bhikka nayaka held the office at first, that on his death Kashanfatayya was, with the consent of the villagers, appointed to the post, that at the time of

Shamanna's appointment, he (Respondent) put forward his claims to the office, but being a minor was not appointed, that, at the time of Kaffaiya's appointment also, he claimed the office but was told to establish his right by filing a suit, that he inherited the hak from his adopting father Chikkaimaiya who being the eldest son was the proper haktar, that, besides, he was appointed under the Chief Secretary's order, and that Kaffaiya had no right to the office by inheritance, and even if he had any, he forfeited it when he was dismissed from office.

The Appellant deposed that he was the proper haktar to the office, as it had been held for about 50 years by his grandfather, Uncle (elder) and father, and that he lived at present jointly with his father, but owned live

Seperately in the village (Kannadalli), if he were appointed to the office in question.

Bhagirathamma widow of Shamaiya (No II) addressed a petition to the Assistant Commr., on 5th February 1892, stating that the Shanbhogi had been held by the family from the time of her father-in-law's father, that on the death of her husband who had also held the office, Kaffaiya was, at her request appointed to the post and was maintaining her till his dismissal, that the Respondent, being given away in adoption had no right whatever to the office, and that his claim was rejected when her husband and Kaffaiya were appointed. She prayed that Kafaniyathaiya (appellant) whom she brought up as her son might be appointed

The Assistant Commissioner admitted a memo* with his opinion which is as follows:—

"..... There is no doubt whatever that Ranjundaiya is also a lawful heir for the Shanbhogi, and that he is competent to discharge the duties has been established by his doing the work for the last 3 years without any complaint. ..... I do not see any strong reason or necessity for undoing the arrangement made 3 years back. The Petitioner is living with his father, and his appointment will be in effect, a restoration of the dismissed man. I therefore admit that the present official whose appointment has been made and approved by Govt may be continued in office. The Petitioner's claim may receive consideration when the office again becomes vacant."

*& 12-2-92.

Thereupon the Deputy Comm rejected the Applicants' application, on the ground that when the Government sanctioned the appointment of a Shanbhog in succession

to Appellant's father, no right or interest in favour of the appellant was reserved.

The appeal is against the above order.

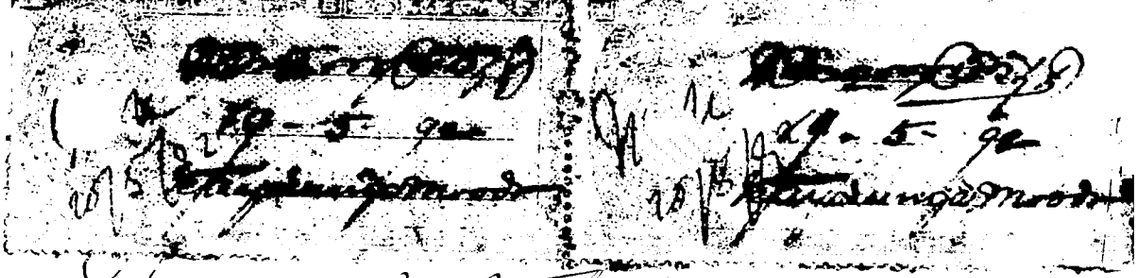
The Appellant contends

(1) that he is the proper Kakidar to the office,

(2) that the Govt. appointed the Respondent in place of Kapfaiya, only as the latter's son, the appellant was then a minor, and

(3) that the utmost that can be said of the Respondent's appointment is that he was appointed temporarily, liable to vacate, if a legal and competent heir to Kapfaiya claimed the office.

L.V. 12/6.



6. Mos. Rl-Stamps

A.S.1027 of 1
92-93

The Deccan Observer,
Bangalore.

573
20-5-92

Re Lawsuit for Defamation of Character by Kaffeel, residing at Virinchipura Pettah, Mysore

Sheet 1. - L.R. 118 of 91-1

1. That one Jamal, the Patel of the Pettah, was originally the registered Shanbogue of the Hamlet, Mysore Taluq, Srirangapatna Taluq, Mysore District.

2. That after him, as he had no issues whatever, his brother Kaffeel was, as heir to, & as descending the succession of, Samad, appointed Shanbogue of the aforesaid village, 20 years ago.

3. That about the year 1884, the Ryots of the village preferred some sort of Complaints against the said Kaffeel - Under the Circumstances

(1) Hand Correct
(2) Order proper
(3) Appeal in time
(4) Rule I Cl (1)

Cell for Postcard Report Rq. 26/5/92

Bra Dept Mysore 20/5/92

then existing the Gov^t deemed
fit to appoint some other Competent
person in his stead to look after
the Affairs of the Shanbogi-

4. That in as much as his Son,
Your Hon^r's Petitioner, was young
& inexperienced, the Gov^t appointed
one Raymondeah alias Puttiah
another Paternal uncle of the Petr^r
but since away in addition to the
Grand-uncle of the Petr^r-

5^th. That Since, Your Petr^r came
of age & acquainted himself
with keeping of village accounts
That he has also learnt to read
& write both in English & the unaware
Languages fluently-

6. That during the last year
the Petr^r moved the Deputy Comm^r
of Mysore by a written Petition,
& that he is in possession of the
aforesaid Shanbogi on the
grounds that he has become
a Competent person to succeed
to the Shanbogi & that the afore
said Raymondeah alias Puttiah
Raymondeah had delivered the
Papers to the Petr^r-

7. But the Defts Commissioners has declined to grant him the reliefs he prays for on the grounds stated in his order, hereto annexed.

8. The Petr begs to state that the Defts Commissioners erred in holding that the Petr had no right to succeed to the Office till the death of Kayamkulathil Puthiya or otherwise the Office becomes vacant.

The contention that can be had of the appointment of the aforesaid Puthiya is that he was appointed Lenthning, liable to vacate, if a legal & Competent heir to Kappirail, claimed the Office.

Under the above circumstances the Petr begs that your honours may be pleased to appoint him as Stanikyar of the aforesaid village of Kannankulangara & direct the necessary mutation of names in the Register.

And your Petr shall ever pray

Kayamkulathil.

No 112 Enclosure 4/6

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 513

dated 20th May 1892 received at the

Dewan's Office from Kapaiah Gowda

Requesting an Inspam Karaba

Inam land for resumption

of his land to the Shimoga

T Kamachakki Transfer

Taluk

is forwarded, together with its one

enclosure, to the Deputy Commr

Inspector Secy for submission

of Proper with a report on the

facts of the case for the

Board's orders on the petition

2. The petition should be returned

L.R. 118-91-2

By Order,

Chief Secretary.

BANGALORE,
4-6-1892

122.

(General Serial No. 30.)

4637

1892.

Pet 229

From

The Deputy-Commissioner
Mysore District.

To

The Chief Secretary to the Govt
of Mysore.

L.R. 118-91-3

Dated 1st November 1892

Despatched

Received

Enclosures No. Petition with its en- and Enquiry file.

General No.

No. 698

Submitting report on the petition
of Kapinipathi, Shanbagru of
Kannahalli, re Municipal tolls

245

Petn Bx Vol 4/1892

9/3.

Post for 4
Govt within
6 Months from
date

Approved 6/27 July 93.

22/Jan/97

Posted to 22nd June 93

Read for Press
3/6/93

4/1892

No. 648
In Petition
with 2 Encs.
& file -

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 1st November 1892.

From

C. Rangacharlu Avergar Esquire
Deputy Commissioner,
Mysore District.
B.A.B.L.

To

The Chief Secretary to the Dewan of Mysore,

SIR,

I have the honor to acknowledge your official letter No 11 dated 4 June last forwarding petition of Rajaviyathia Shanbhogue of Nanjanahalli Village Periyakollu Narasipur Taluk and in submitting the proceedings connected with the case beg to report as follows: —

2. Complaints were received from the villagers stating that Rajaiah the former Shanbhogue had wrongfully sold Government trees which were reported from the Inquiry was held and the Complainants were forced to leave. Before upon the case Deputy

Commissioner Mr. Abdul Khader
in his letter No. 96 dated 2nd
January 1884 recommended
to Government the removal of
Kajjia altogether from his office
and the appointment of a
competent man titled by the
villagers instead -

3. On Chief Secretary's docket
No. 501/245 dated 25th January 1884
an enquiry was made whether
the dismissed Tambaya had com-
petent heirs of whom one might
be selected for discharging the
duties of the office without any
interference on his part -

4. Reverting to Mr. Abdul Khader
in his No. 763 dated 31st March
1884 selected Thanjavuridu alias
Pattani Kottai Kajjiah as a
competent person for the office,
On the report of the Amildar
that he was capable of discharging
the duties without any interference

of Kafir and that he was also the real friend of the Sirdar Bugti. He decided to report that he was not changed his duties of the Post Office without giving any further complaints.

5. He applied Kafir petition who is Kafir's son has come forward to object to the appointment of his uncle Chandia and requested that he may be appointed to the post in preference also.

6. Under the circumstances explained in the above attached file Government decided to appoint Sardar Mohabat Khan Jamali, it will be seen that when the Government directed the appointment of a Sardar in the petition made Kafir in 1884, no

right or interest in favor of the petitioner was reserved as his father was removed for the obvious reason of embezzling Government funds, and as he is still living with petitioner, it is not just or desirable to permit petitioner to succeed his father in the appointment.

7. The petition received with the above is herewith respectfully returned with its enclosures.

I have the honor to be,
Sir,
Your most obt. servant

Assistant
Commissioner
Internal Revenue

Comptroller

Decision -

The present Application Shambhag cannot be rejected in favour of Petitioner, who, however, may be registered as a Hissedar -

By Order

Chief Secretary

Draft.

No 3040 27/7/93
F.S. 30-93 14-8-93

Copy of the above forwarded to the Assistant Superintendent with the records received with his letter No dated 31st Jan 1892.

By Order

Asst Secretary

573
No. 27

Received 12/8/93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

9 August 1893
14

Endorsement granted to Kapanipathiya son of Kapaiya, residing in Simanahalli Angole.

in reply to his Petition Registered No. 573/A.S.27 dated 20th June 93, appealing against the Bangalore Deputy Commissioner's order regarding the Mathagiriamathalli in the Tirumakudlu Narsipur Taluk.

Petitioner is informed that the present application should be made in form of petition which will, however, be registered as a Memorial.

The enclosure is herewith returned.

L.R. 118-91-5

"By Order"

Draft
(Consideration)

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.